

GOVERNOR'S OFFICE OF ELECTRONIC HEALTH INFORMATION

**Cabinet for Health and Family Services
Governor's Office of Electronic Health Information
Information Technology Policies**

Category: 3 000.000

Category Title: PARTICIPANT OBLIGATIONS

000.000 Policy Title: Permitted Use of Data

Policy: Permitted Use: Participant and its Authorized Users will use KHIE only for a Permitted Use. Participant will, and will require its Authorized Users, to comply with the Participation Agreement and all applicable laws and regulations governing the privacy and security of Data received through the Exchange. If Participant includes Data obtained through KHIE in a patient's medical record, Participant may use such Data only for Permitted Uses as defined below. Participant and GOEHI acknowledge that Participant will make Data available for access through the Exchange only for a Permitted Use and will request Data only for a Permitted Use.

All Participants must be covered entities under HIPAA and, therefore, individually subject to regulation and penalties of federal and state authorities.

A Permitted Use of the Kentucky Health Information Exchange is defined as follows:

- (a) By health care providers:
 - (i) For Treatment, Payment and/or Operations such that patient authorization is not required under HIPAA; and
 - (ii) To facilitate the implementation of "meaningful use" criteria as required under the American Recovery and Reinvestment Act of 2009 and its related federal regulations, as permitted by HIPAA; and
- (b) By the Department for Medicaid Services:

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- (i) For Treatment and Payment for Medicaid patients and/or Operations such that patient authorization is not required under HIPAA, limited to functions related to case management, care coordination, and quality improvement activities; and
 - (ii) To facilitate the implementation of “meaningful use” criteria as required under the American Recovery and Reinvestment Act of 2009 and its related federal regulations, as permitted by HIPAA.
- (c) By the Kentucky State Laboratory, Division of Laboratory Services:
 - (i) For Treatment and Payment for patients and/or Operations such that patient authorization is not required under HIPAA, limited to functions related to case management, care coordination, and quality improvement activities for the Kentucky newborn screening program as authorized in KRS 214.155 and cited as the James William Lazzaro and Madison Leigh Heflin Newborn Screening Act; and
 - (ii) To facilitate the implementation of “meaningful use” criteria as required under the American Recovery and Reinvestment Act of 2009 and its related federal regulations, as permitted by HIPAA.

Operations shall have the definition assigned to Health Care Operations under HIPAA as limited by 45 CFR § 164.506.

Scope: This policy applies to all Participants and their Authorized Users, including all persons providing contractor services.

Policy/Procedure Maintenance Responsibility: The Governor's Office of Electronic Health Information is responsible for the maintenance of this policy.

Exceptions: There are no exceptions to this policy.

Review Cycle: Bi-Annual

Timeline:

Revision Date:



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Review Date:
Effective Date: